

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

19 CV 269V

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. **Full Name And Prisoner Number of Plaintiff:** NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. Jerome Nathan GRANT 15114-055

2. _____

-VS-

B. **Full Name(s) of Defendant(s)** NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. United States of America

4. John Taberski/United States Probation office

2. Richard J. Arcara Arcara

5. Barry J. Donohue/Donohue Law Offices

3. George C. Burgasser/United States Attorneys office.

6. _____

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: Jerome Nathan GRANT 15114-055

Present Place of Confinement & Address: Federal Correctional Institution Gilmer P.O. Box 6000, Glenville, WV 26351

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: United States of America

(If applicable) Official Position of Defendant: _____

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: United States Court House 2 Niagara Square Buffalo, NY 14202

Name of Defendant: Richard J. Arcara

(If applicable) Official Position of Defendant: Judge

(If applicable) Defendant is Sued in _____ Individual and/or X Official Capacity

Address of Defendant: United States Court House 2 Niagara Square Buffalo, NY 14202

Name of Defendant: George C. Burgasser / U.S. Department of Justice United States Attorney office

(If applicable) Official Position of Defendant: Assistant United States Attorney

(If applicable) Defendant is Sued in _____ Individual and/or X Official Capacity

Address of Defendant: U.S. Department of Justice United States Attorneys office western District of New York Federal Center 138 Delaware Avenue Buffalo, NY 14202

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes _____ No X

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

Continuation of Page 2
Defendant's Information

Name of Defendant: John Taberski

(IF APPLICABLE) Official Position of Defendant: United States

Probation Officer

(IF APPLICABLE) Defendant is Sued in _____ Individual and/or ☒
Official Capacity

Address of Defendant: United States Court House / United States

Probation Office 2 Niagra Square Buffalo, NY 14202

Name of Defendant: Barry J. Donohue / Donohue Law Offices

(IF APPLICABLE) Official Position of Defendant: Attorney At
Law

(IF APPLICABLE) Defendant is Sued in ☒ Individual and/or ☒
Official Capacity

Address of Defendant: 77 Broad Street, Tonawanda, New York
14150

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

_____ Dismissed (check the box which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to exhaust administrative remedies;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

B. Have you begun **any other lawsuits in federal court which relate to your imprisonment?**

Yes X No _____

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Jerome Nathan Grant 15114-055

Defendant(s): United States Marshals / Steven Wolf

2. District Court: Western District of New York, Buffalo NY

3. Docket Number: 1:16-cv-00866-RJA / 18-614-CV

4. Name of District or Magistrate Judge to whom case was assigned: Richard J Alcala

5. The approximate date the action was filed: 10/31/16

6. What was the disposition of the case?

Is it still pending? Yes _____ No X

If not, give the approximate date it was resolved. 10/19/2018

Disposition (check the statements which apply):

☒ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☒ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |
| | | • Collusion |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) 2016 to 3/22/17

defendant (give the **name and position held** of **each defendant** involved in this incident) United States of America, Richard J. Arcara/Judge, George C. Burgasser/United States Attorney's office, John Taberski/United States Probation officer, Barry J. Donohue/Donohue Law Offices/Attorney at Law

did the following to me (briefly state what each defendant named above did): I objected to the "Attorney" about being a Career offender to many times to Court but at least 10, I asked Him to object to the P.S.I Reporter John Taberski when he Refused to Do so I Followed what I believed to be the Chain of Command/Administrative Remedies the Lawyer, the P.S.I Reporter, the United States Attorney then the Judge. So once the "Attorney" Refused to object I Put together a motion Oblecting to being a Career offender and sent a copy to the Attorney, United States Attorney George C. Burgasser and P.S.I Reporter John Taberski. Continuation

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Due Process, Equal Protection, Access to the Courts Failure to Protect, Malicious Prosecution, Right to Counsel, Collusion

The relief I am seeking for this claim is (briefly state the relief sought): \$80,160,000.00, 80 million one hundred thousand Dollars.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes No If yes, what was the result? They all disregarded It/me

Did you appeal that decision? Yes X No If yes, what was the result?

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: in the event that I did not I didn't know any other way than to bring it up to All Parties involved.

A. SECOND CLAIM: On (date of the incident)

defendant (give the **name and position held** of **each defendant** involved in this incident)

Continuation

A. First Claim

once they disregarded my objecting Violating my Due Process, I wrote A letter to Hon: Richard J. Arcara and attached the motion objecting to being a Career offender, I let him know Im writing Him Asking for a hearing Due to me objecting to being a Career offender, a very Serious Enhancement 10 Plus years, I let Him know the reason why Im writing to Him is because I asked my Attorney to object and He refused to object to this very Serious matter 70-87 months And 188-235 is Serious so I Asked Him (Judge Arcara) to set a hearing on me objecting to being a Career offender See Docket # 504. Letter from Jerome Grant, dated 10/31/2016, to Hon: Arcara. Just wanting my Due Process to not be Violated and access to the Courts and to Prevent what would appear to Collusion and Malicious Prosecution, But Judge Arcara Disregarded my Due Process Rights Just like Barry J. Donohue, George Burgasser/United States Attorney And P.S.I Reporter John Taberski, As United States Officials Same Case; ~~Docket #~~ Case number 1:14-CR-00134-RJA-HBS Defendant Spencer Rogers Docket # 624 First motion for Extension of time to file Objections to Presentence Investigation Report, motion to Produce by Spencer Rogers. (Hoffman, Alan) (entered 5/19/2017) then on 05/23/2017 Docket # 626. TEXT ORDER as to defendant Spencer Rogers (7). The defense filed 624 First motion for extension of time to file objections to Presentence Investigation Report and other relief A Status Conference on the motion is scheduled for May 31, 2017 at 9:00 AM before HON: RICHARD J. ARCARA. Defendant is to be Produced for the Status Conference. So ORDERED. ISSUED. SIGNED by Hon: Richard J. Arcara On May 23, 2017. (DJD) (Entered 05/23/2017) A Hearing is Held for Spencer Rogers on 05/31/2017 minute entry for Proceedings held 5/31/2017 before Hon. Richard J. Arcara as to Deft. Spencer Rogers. Status Conference is Held →

Regarding Deft's 624 Motion for Extension of time to File Objections to the Presentence Investigation Report. That Shows Spencer Rogers was Awarded His Due Process and that my Due Process Rights were Violated a Right According to Law and the United States Constitution to be Afforded But was Neglected of even tho in Docket # 523 Dated 11/17/2016 Text Order As to Jerome Grant (b) Sentencing is adjourned to 3/22/2017 at 12:30 PM before Hon. Richard J. Arcara the Submission of Sentencing Papers is amended As Follows: Statement with Respect to Sentencing Factors, Objections, Responses to objections due by 3/8/17 Final Presentence Investigation Report due by 3/15/2017 SO ORDERED. Issued by Hon. Richard J. Arcara on November 17, 2016 (DJD) (Entered 11/17/16) Even tho it Appears I had the Right to object when I Did Object it was totally Disregarded See Docket # 504 on 9/28/18 Docket # 842 Attorney Barry J. Donohue admitted under the Penalty of Perjury that I Did object to Him about being a Career offender then on Docket # 855 United States Attorney Wei Xiang Admitted under the Penalty of Perjury that in a Pro-se letter dated October 3, 2016, the defendant Objected to His Career offender Status, Claiming that His Range Should instead be 70-87 months. Dkt 504 Judge Arcara Violated my Due Process Rights by not Holding a Status Conference Based on me Objecting to being a Career offender a Very Serious Enhancement of 10 Plus years one hearing that the Judge said I was intitled to by law and the United States Constitution, But some How when I Exercised my Due Process It was Violated By the United States of America, Judge Arcara And all the Above Name Defendants By Disregarded and Violating my Due Process Rights and is Collusion and Malicious — Prosecution And Equal Protection, Access to the Courts, Failure to Protect Barry J. Donohue I've wrote to him objecting about being a Career offender

Due to Him being my "Attorney" After the Plea, I Asked Him to object with
 the P.S.I. Reporter John Taberski. A number of times He refused to object. He
 even refused to bring it up at Sentencing or in the Sentencing memorandum.
 Docket # 570 entered 3/10/17 Sentencing. No Docket # Hearing Held 3/22/17
 then on 9/28/18 Docket # 842 "Attorney Donohue sent Affidavit in of Conflict
 of interest stating That I insist He file 2255 motion for ineffective Assistance
 of Counsel in that motion He stated I objected to being a Career offender
 and He also admits He never objected on my behalf which Proves He
 violated my Due Process Rights under the 5th Amendment one objection
 to the U.S.P.O John Taberski / A.U.S.A / Judge Aracae Could have prevented my
 Due Process Rights being Violated By "Attorney Donohue". John Taberski
 sent a motion objecting to being a Career offender to John Taberski and
 that instead of 188-235 my Sentence without the "Enhancement under
 Career offender" should be Category 5, 70-87 months as stated in my
 P.S.I. By John Taberski; He never responded to me or he never set a Hearing
 or even asked the Judge to set a Hearing on this very important matter or bringing
 it up to the Judge as far as I know. IF you object to something as important as
 a 10 Plus year Enhancement the proper Due Process would be to Alert the
 United States Attorney and the Judge and have a hearing on the matter Example
 Same Docket: Docket # 624 Date 5/19/17 First motion for Extension of time
 to file objections to Presentence Investigation Report, motion to Produce by
 Spencer Rogers. (Hoffman, Alan) (entered 05/19/2017) Docket 626 05/23/2017 Text
 order as to defendant Spencer Rogers(7) the defense filed 624 first motion
 for extension of time to file objections to Presentence Investigation
 Report and other relief. A status conference on the motion is scheduled
 for May 31, 2017 at 9:00 AM before Hon. Richard J. Arcara. Defendant is to
 be produced for the Status Conference. So ordered. Issued. Signed by →

Hon. Richard J. Arcara on May 23, 2017 (DJD) entered 05/23/2017 Spencer Rogers P.S.I. Reporter was Lisa Ferraro. So P.S.I. Reporter John Tabeiski Violated my Due Process Rights By not holding or bringing it to the Judge attention that I objected to being a Career offender. All It took was one Hearing and my Due Process Rights would not have been Violated By John Tabeiski. George C. Burgasser/United States Attorneys office I Also objected to being a Career offender to George C. Burgasser a number of times I sent Burgasser a motion objecting to being a Career offender at the same time I sent the motion to Barry J. Donohue and John Tabeiski and George Burgasser Violated my Due Process Rights By not Holding a Hearing on this very Important matter George Burgasser as well as Barry J. Donohue, and John Tabeiski Disregarded my objection to being a Career offender and that Violated my Due Process and Shows Malicious Prosecution on George C. Burgasser and the United States Attorneys office All It took was one hearing and my Due Process would not been Violated or there would have been no Malicious Prosecution it appears all above defendants Act's were Collusion.

did the following to me (briefly state what each defendant named above did): _____

The constitutional basis for this claim under 42 U.S.C. § 1983 is: _____

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes _____ No If yes, what was the result? _____

Did you appeal that decision? _____ Yes _____ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

*I'm requesting \$80,100,000.00 80 million one Hundred thousand Dollars
AS Relief even if Any Claim get's Dismissed.*

Do you want a jury trial? Yes X No _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/23/2019
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Jerome Nathan Grant

Signature(s) of Plaintiff(s)

Facts Attached
51 Pages 3 Docket Sheet Pages
1 Page From Motion to Dismiss
2255

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| | | A status conference for all three pretrial defendants will occur on 9/29/2016 at 2:00 PM to determine what further scheduling might be necessary. Time remains excluded because defendant Robertson's motions (Dkt. No. 199) remain pending but also is excluded 9/20/2016 through 9/29/2016 in the interest of justice for effective assistance of counsel. |
| | | SO ORDERED. Issued by Hon. Hugh B. Scott on 9/20/2016.(GAI) (Entered: 09/20/2016) |
| 09/20/2016 | 498 | ***Status Conference set for 9/29/2016 02:00 PM before Hon. Hugh B. Scott.(GAI) (Entered: 09/20/2016) |
| 09/23/2016 | 499 | ORDER granting re 490 MOTION to Modify Conditions of Release as to James Hicks . Signed by Hon. Richard J. Arcara on 9/23/2016.(KM) (Entered: 09/23/2016) |
| 09/29/2016 | 501 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Status Conference as to Michael Robertson, Damario James, Antwon Steward held on 9/29/2016. Defts request one more adjournment and status conference, as 2 of 3 defts are close to finalizing pleas. Court grants request but decides that schedule will need to be set at next proceeding. Scheduling Conference set for 10/26/2016 02:00 PM. Time is excluded 9/29/2016 through 10/26/2016 in the interest of justice for effective assistance of counsel in securing a favorable pretrial resolution. Govt to submit order. Court advises Atty Schwartz that deft Steward will need to attend on 10/26 or a warrant will issue. APPEAR: G. Burgasser (AUSA); P. Kooshoian for deft M. Robertson (present); P. Kooshoian for J. Leta for deft D. James (present); J. Schwartz for deft A. Steward (not present). (Court Reporter FTR Gold.) (GAI) (Entered: 09/29/2016) |
| 10/03/2016 | 502 | Minute Entry for proceedings held 10/3/2016 before Hon. Richard J. Arcara as to Deft, Andre Wise (11). Status Conference is held as to Violation of Supervised Release charge(s). Plea discussions ongoing. Buffalo City Court case is scheduled for proceedings tomorrow. Parties request 30 days. A further Status Conference is scheduled for 11/2/2016 at 9:00 AM. Deft remains in custody. Appearances: Govt - George Burgasser; Deft - Leslie Scott (w/Deft); USPO - Scott Kawald (Court Reporter Megan Pelka.) (JDK) (Entered: 10/03/2016) |
| 10/07/2016 | 503 | MOTION to Adjourn Sentencing by USA as to Antwan Garner. (Burgasser; George) (Entered: 10/07/2016) |
| 10/11/2016 | 504 | Letter from Jerome Grant, dated 10/3/2016, to Hon. Arcara. (KM) (Entered: 10/11/2016) |
| 10/11/2016 | 505 | SPEDDY TRIAL ORDER as to Michael Robertson, Damario James, Antwon Steward: 9/29/2016 through 10/26/2016. Signed by Hon. Hugh B. Scott on 10/11/2016.(GAI) (Entered: 10/11/2016) |
| 10/18/2016 | 507 | CIA 20 a. to Xavier Hill: Authorization to Pay John K. Jordan, Amount: \$ 4,469.90, Voucher # 0209.0000641. Signed by Hon. Richard J. Arcara on 10/04/2016.(NRE) (Entered: 10/21/2016) |
| 10/19/2016 | 506 | ***Scheduling Conference set for 10/26/2016 02:00 PM for defts Robertson, James, Steward. (GAI) (Entered: 10/19/2016) |
| 10/22/2016 | 508 | TEXT ORDER as to defendant, Antwan Garner (12). The United States filed 503 Motion to Adjourn Sentencing date of 10/26/2016. The motion is granted. Sentencing is |

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| | | adjourned to 2/1/2017 at 2:00 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 1/1/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 1/1/2017; responses to objections and/or motions due by 1/18/2017; character letters and/or sentencing memorandum in support of the defendant due by 1/18/2017; motions to adjourn sentencing due by 1/23/2017; final Presentence Investigation Report due by 1/25/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 1/25/2017; SO ORDERED. Issued by Hon. Richard J. Arcara on October 22, 2016.(DJD) (Entered: 10/22/2016) |
| 10/24/2016 | 509 | MOTION to Adjourn Sentencing Date by USA as to Demario Robbins. (Burgasser, George) (Entered: 10/24/2016) |
| 10/24/2016 | 511 | Sealed Document as to Antwan Garner. (KM) (Entered: 10/26/2016) |
| 10/25/2016 | | NOTICE OF SCHEDULING as to Damario James: Upon the informal request of counsel for the parties, Plea Agreement Hearing set for 10/27/2016 11:30 AM before Hon. Richard J. Arcara. (DJD) (Entered: 10/25/2016) |
| 10/26/2016 | 510 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Scheduling Conference as to Michael Robertson, Damario James, Antwon Steward held on 10/26/2016. Atty Kooshoian requests 60 days to review discovery that has been produced and that he had requested. Court sets new schedule for the three remaining pretrial defts. Motions due by 12/28/2016. Responses due by 1/27/2017. Oral Argument set for 2/2/2017 10:00 AM. Time remains excluded because defendant Robertson's motions (Dkt. No. 199) remain pending but also is excluded 10/26/2016 through 12/28/2016 in the interest of justice for effective assistance of counsel, for motion preparation and a possible early resolution. Govt to submit order. APPEAR: B. Cullinane (AUSA); P. Kooshoian for deft M. Robertson (present); J. Leta not present for deft D. James (present); P. Kooshoian for J. Schwartz for deft A. Steward (present). (Court Reporter FTR Gold.) (GAI) (Entered: 10/26/2016) |
| 10/27/2016 | | Set/Reset Hearings as to Damario James: Plea Agreement Hearing set for 10/28/2016 11:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 10/27/2016) |
| 10/27/2016 | | Minute Entry for proceedings held 10/27/2016 before Hon. Richard J. Arcara as to Deft, Damario James (3). Change of Plea proceeding previously scheduled for 10/27/2016 is not held. The parties need to revise the Plea Agreement. Change of Plea is rescheduled for 10/28/2016 at 11:00/11:15 AM. Deft remains in custody. Appearances: Govt - George Burgasser; Deft - Herbert Greenman and Joseph Leta (with Deft) (Court Reporter Megan Pelka.) (DJD) (Entered: 11/16/2016) |
| 10/28/2016 | | Set/Reset Hearings as to Damario James: Sentencing set for 3/16/2017 12:30 PM before Hon. Richard J. Arcara. (DJD) (Entered: 11/12/2016) |
| 10/28/2016 | | Minute Entry for proceedings held 10/28/2016 before Hon. Richard J. Arcara as to Deft, Damario James (3). Change of Plea proceeding is held. Deft pleads guilty to Count 1 of the Indictment. Deft is remanded to the custody of the U.S. Marshals Service pending sentencing. The following schedule is established for the submission of sentencing papers: initial Presentence Investigation Report due by 1/30/2017; Statement with |

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| | | Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion, if applicable, due by 1/23/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 2/28/2017; responses to objections and/or motions due by 3/2/2017; character letters and/or sentencing memorandum in support of the defendant due by 3/2/2017; motions to adjourn sentencing due by 3/6/2017; final Presentence Investigation Report due by 3/9/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 3/9/2017. Sentencing is scheduled for 3/16/2017 at 12:30 PM before Hon. Richard J. Arcara. Appearances: Govt - George Burgasser; Deft - Joseph Leta (with Deft); USPO - No Appearance-PROBATION NOTIFIED OF PLEA- (Court Reporter Megan Pelka.) (DJD) (Entered: 11/12/2016) |
| 10/28/2016 | 517 | TEXT ORDER as to defendant, Damario James (3). The following schedule is established for the submission of sentencing papers: initial Presentence Investigation Report due by 1/30/2017; Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion, if applicable, due by 1/23/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 2/28/2017; responses to objections and/or motions due by 3/2/2017; character letters and/or sentencing memorandum in support of the defendant due by 3/2/2017; motions to adjourn sentencing due by 3/6/2017; final Presentence Investigation Report due by 3/9/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 3/9/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on October 28, 2016.(DJD) (Entered: 11/12/2016) |
| 10/28/2016 | 518 | PLEA AGREEMENT as to Damario James. (KM) (Entered: 11/15/2016) |
| 10/28/2016 | 519 | Sealed Document as to Damario James. (KM) (Entered: 11/15/2016) |
| 11/01/2016 | 512 | MOTION to Adjourn Sentencing by USA as to Benjamin Peoples. (Burgasser, George) (Entered: 11/01/2016) |
| 11/02/2016 | | Set/Reset Hearings as to Andre Wise: Status Conference on Violation of Supervised Release set for 12/21/2016 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 11/22/2016) |
| 11/02/2016 | | Minute Entry for proceedings held 11/2/2016 before Hon. Richard J. Arcara as to Deft, Andre Wise (11). Status Conference is held as to Violation of Supervised Release. Deft waives his appearance for today's proceeding. Deft was to be produced yesterday at his underlying state court matter, but was not produced for that proceeding. Further status conference is scheduled for 12/21/2016 at 9:00 AM. Deft remains in custody. Appearances: Govt - George Burgasser; Deft - Leslie Scott (without Deft) (Court Reporter Megan Pelka.) (DJD) (Entered: 11/22/2016) |
| 11/03/2016 | 513 | TEXT ORDER as to defendant, Demario Robbins (15). The United States filed 509 Motion to Adjourn Sentencing date of 11/8/2016. The motion is granted. Sentencing is adjourned to 3/6/2017 at 1:00 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 2/13/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 2/17/2017; responses to objections and/or motions due by 2/21/2017; character letters and/or sentencing memorandum in support of the defendant due by 2/21/2017; motions to adjourn sentencing due by 2/24/2017; final Presentence Investigation Report due by 2/27/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 2/27/2017. SO |

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| | | ORDERED. Issued by Hon. Richard J. Arcara on November 3, 2016.(DJD) (Entered: 11/03/2016) |
| 11/04/2016 | 514 | MOTION to Adjourn Sentencing Date by USA as to Jerome Grant. (Burgasser, George) (Entered: 11/04/2016) |
| 11/04/2016 | 515 | Minute Entry for proceedings held 11/4/2016 before Hon. Richard J. Arcara as to Deft, James Hicks (14). Status Conference is held to set a sentencing date. Defense counsel is not present. Deft waives his appearance. For the reasons set forth on the record, the Govt requests a 6-month adjournment. Further Status Conference to set a sentencing date is scheduled for 5/4/2017 at 9:00 AM. Appearances: Govt - George Burgasser; Deft - No appearance; USPO - No appearance. (Court Reporter Megan Pelka.) (JDK) (Entered: 11/04/2016) |
| 11/10/2016 | 516 | MOTION to Adjourn Sentencing date by USA as to Spencer Rogers. (Burgasser, George) (Entered: 11/10/2016) |
| 11/14/2016 | 520 | Sealed Document as to Demario Robbins. (KM) (Entered: 11/15/2016) |
| 11/17/2016 | 521 | TEXT ORDER as to defendant, Benjamin Peoples (8). The United States filed 512 Motion to Adjourn Sentencing date of 11/21/2016. The motion is granted. Sentencing is adjourned to 3/10/2017 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 2/17/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 2/22/2017; responses to objections and/or motions due by 2/24/2017; character letters and/or sentencing memorandum in support of the defendant due by 2/24/2017; motions to adjourn sentencing due by 2/28/2017; final Presentence Investigation Report due by 3/3/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 3/3/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on November 17, 2016.(DJD) (Entered: 11/17/2016) |
| 11/17/2016 | 522 | TEXT ORDER as to defendant, Spencer Rogers (7). The United States filed 516 Motion to Adjourn Sentencing date of 11/23/2016. The motion is granted. Sentencing is adjourned to 3/15/2017 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 2/22/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 2/27/2017; responses to objections and/or motions due by 3/1/2017; character letters and/or sentencing memorandum in support of the defendant due by 3/1/2017; motions to adjourn sentencing due by 3/6/2017; final Presentence Investigation Report due by 3/8/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 3/8/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on November 17, 2016.(DJD) (Entered: 11/17/2016) |
| 11/17/2016 | 523 | TEXT ORDER as to defendant, Jerome Grant (6). The defents: filed 514 Motion to Adjourn the sentencing date of 11/23/2016, and United States filed 514 Motion to Adjourn Sentencing Date of 11/23/2016. The motions are granted. Sentencing is adjourned to 3/22/2017 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 3/1/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 3/6/2017; responses to objections and/or motions due by 3/8/2017; character letters and/or sentencing memorandum in support of the |

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| | | (Entered: 07/26/2016) |
| 07/28/2016 | 466 | MOTION for Extension of Time to File <i>Criminal Motions</i> by Damario James. (Leta, Joseph) (Entered: 07/28/2016) |
| 07/29/2016 | 467 | TEXT ORDER granting 466 Motion for Extension of Time to File as to Damario James (3). New schedule to follow. SO ORDERED. Issued by Hon. Hugh B. Scott on 7/29/2016.(GAI) (Entered: 07/29/2016) |
| 07/29/2016 | 468 | TEXT ORDER as to Michael Robertson, Damario James, Antwon Steward setting new pretrial schedule. Motions due by 9/21/2016. Responses due by 10/19/2016. Oral Argument set for 10/26/2016 10:30 AM. Time remains excluded because defendant Robertson's motions (Dkt. No. 199) remain pending but also is excluded 7/29/2016 through 9/21/2016 in the interest of justice for discovery review and motion preparation if no early resolution occurs. The Court reminds all pretrial defendants that an exclusion of time for one defendant affects all defendants in a case absent a granting of a severance motion. See <i>U.S. v. Vasquez</i> , 918 F.2d 329, 337 (2d Cir. 1990) (holding that the Speedy Trial Act "imposes a unitary time clock on all co-defendants joined for trial") (citations omitted). Any defendants who have filed motions already and seek adjudication before their co-defendants file should raise the issue of severance with the District Judge. SO ORDERED. Issued by Hon. Hugh B. Scott on 7/29/2016.(GAI) (Entered: 07/29/2016) |
| 07/29/2016 | | Set/Reset Hearings as to James Hicks: Status Conference re: Sentencing set for 11/4/2016 at 09:00 AM before Hon. Richard J. Arcara. (JDK) (Entered: 07/29/2016) |
| 07/29/2016 | 469 | Minute Entry for proceedings held 7/29/2016 before Hon. Richard J. Arcara as to Deft, James Hicks (14) . Oral Argument on Def's 453 Motion for Release from Custody is held. USPO and Govt do not oppose release. The Court releases Deft pending the next court proceeding with the terms and conditions as set forth on the record and contained in USPO Memorandum dated 6/9/2016. Sentencing scheduled for 8/10/2016 is adjourned. Additional Status Conference re: Sentencing is scheduled for 11/4/2016 at 9:00 AM. Appearances: Govt - George Burgasser; Deft - J. Glenn Davis; USPO - Lindsay Maza. (Court Reporter Megan Pelka.) (JDK) (Entered: 08/01/2016) |
| 07/29/2016 | 471 | CJA 20 as to Aaron Glenn; Authorization to Pay Thomas Farley Jr. Amount: \$ 6590.30, Voucher # 02090000367. Signed by Hon. Richard J. Arcara on 06/07/2016.(NRE) (Entered: 08/01/2016) |
| 08/01/2016 | 470 | MOTION to Adjourn Sentencing by USA as to Jerome Grant. (Burgasser, George) (Entered: 08/01/2016) |
| 08/02/2016 | 472 | ORDER Setting Conditions of Release as to James Hicks (14) non financial. Signed by Hon. Richard J. Arcara on 7/29/2016.(KLH) (Entered: 08/02/2016) |
| 08/03/2016 | 473 | TEXT ORDER as to defendant, Demario Robbins (15). The United States filed 462 Motion to Adjourn Sentencing date of 8/8/2016. The motion is granted. Sentencing is adjourned to 11/8/2016 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 |

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| 08/04/2016 | 478 | Sealed Document as to Spencer Rogers. (KLH) (Entered: 08/04/2016) |
| 08/04/2016 | 479 | Sealed Document as to Jerome Grant. (KLH) (Entered: 08/04/2016) |
| 08/04/2016 | 480 | Sealed Document as to Demario Robbins. (KLH) (Entered: 08/04/2016) |
| 08/09/2016 | 481 | MOTION to Adjourn by Jerome Grant, (Donohue, Barry) (Entered: 08/09/2016) |
| 08/11/2016 | | Set/Reset Hearings as to Xavier Hill. Sentencing set for 11/22/2016 01:00 PM before Hon. Richard J. Arcara. (DJD) (Entered: 08/12/2016) |
| 08/11/2016 | | Minute Entry for proceedings held 8/11/2016 before Hon. Richard J. Arcara as to Deft, Xavier Hill (17). Sentencing proceeding previously scheduled for 8/11/2016 is not held. Defense counsel reports that he did not file a Statement with Respect to Sentencing Factors. Deft does not have any major issue with the Presentence Investigation Report, however Deft prefers that the sentencing be adjourned for 90-days. Sentencing is rescheduled for 11/22/2016 at 1:00 PM. Deft remains on release. Appearances: Govt - George Burgasser; Deft - John Jordan (with Deft); USPO - Lisa Ferraro (Court Reporter Megan Pelka.) (DJD) (Entered: 08/29/2016) |
| 08/19/2016 | | Minute Entry for proceedings held 8/19/2016 before Hon. Richard J. Arcara as to Deft, Andre Wise (11). Initial Appearance is held as to Petitioner for Offender Under Supervision (Supervised Release). AFPD Leslie Scott appears with the Deft. Counsel for the Govt reads a summary of the Petition charge(s). The Court enters a denial by the Deft. Deft requests a status conference in 45 days. Status Conference is scheduled for 10/3/2016 at 9:00 AM. Deft is remanded pending the next court proceeding. The defense requests a copy of the Presentence Investigation Report and the work sheet. The Court grants the request and directs that defense counsel be provided with the requested reports. Appearances: Govt - Joel Violanti appearing for George Burgasser; Deft - Leslie Scott (with Deft); USPO - Scott Kowski (Court Reporter Megan Pelka.) (DJD) (Entered: 08/19/2016) |
| 08/19/2016 | | Set/Reset Hearings as to Andre Wise: Status Conference on Violation of Supervised Release set for 10/3/2016 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 08/19/2016) |
| 08/23/2016 | 483 | Arrest Warrant Returned Executed on 8/18/2016 in case as to Andre Wise. (KM) (Entered: 08/23/2016) |
| 08/25/2016 | 486 | Sealed Document as to James Hicks. (KM) (Entered: 08/29/2016) |
| 08/26/2016 | 484 | MOTION To Schedule Sentencing by Xavier Hill. (Jordan, John) (Entered: 08/26/2016) |
| 08/26/2016 | 485 | STATEMENT WITH RESPECT TO SENTENCING FACTORS by Xavier Hill (Jordan, John) (Entered: 08/26/2016) |
| 08/30/2016 | 487 | TEXT ORDER as to defendant Xavier Hill (17). The defendant filed 484 Motion to Schedule Sentencing to an earlier date. The motion is granted. Sentencing is rescheduled for August 31, 2016 at 9:30 AM before Hon. Richard J. Arcara. SO ORDERED. Issued by Hon. Richard J. Arcara on August 30, 2016.(DJD) (Entered: 08/30/2016) |
| 08/31/2016 | | Minute Entry for proceedings held 8/31/2016 before Hon. Richard J. Arcara as to Deft, Xavier Hill (17), Count(s) 1 (Superseding Information). Sentencing is held. The Court accepts the terms and conditions of the plea agreement and the plea of guilty. The Presentence Investigation Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is committed to the custody of the Bureau of Prisons for a term of 90 days; the cost of incarceration fee is waived. Upon release from incarceration, the Deft shall be placed on supervised release |

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| | | motion if applicable, due by 10/18/2016; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 10/24/2016; responses to objections and/or motions due by 10/25/2016; character letters and/or sentencing memorandum in support of the defendant due by 10/25/2016; motions to adjourn sentencing due by 10/28/2016; final Presentence Investigation Report due by 11/1/2016; government's response papers to legal arguments in defendant's sentencing memorandum due by 11/1/2016. SO ORDERED. Issued by Hon. Richard J. Arcara on August 3, 2016.(DJD) (Entered: 08/03/2016) |
| 08/03/2016 | 474 | TEXT ORDER as to defendant, Benjamin Peoples (8). The United States filed 464 Motion to Adjourn Sentencing date of 8/12/2016. The motion is granted. Sentencing is adjourned to 11/21/2016 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 10/31/2016; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 11/4/2016; responses to objections and/or motions due by 11/7/2016; character letters and/or sentencing memorandum in support of the defendant due by 11/7/2016; motions to adjourn sentencing due by 11/10/2016; final Presentence Investigation Report due by 11/14/2016; government's response papers to legal arguments in defendant's sentencing memorandum due by 11/14/2016. SO ORDERED. Issued by Hon. Richard J. Arcara on August 3, 2016.(DJD) (Entered: 08/03/2016) |
| 08/03/2016 | 475 | TEXT ORDER as to defendant, Spencer Rogers (7). The United States filed 463 Motion to Adjourn Sentencing date of 8/15/2016. The motion is granted. Sentencing is adjourned to 11/22/2016 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 11/1/2016; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 11/7/2016; responses to objections and/or motions due by 11/8/2016; character letters and/or sentencing memorandum in support of the defendant due by 11/8/2016; motions to adjourn sentencing due by 11/10/2016; final Presentence Investigation Report due by 11/15/2016; government's response papers to legal arguments in defendant's sentencing memorandum due by 11/15/2016. SO ORDERED. Issued by Hon. Richard J. Arcara on August 3, 2016.(DJD) (Entered: 08/03/2016) |
| 08/03/2016 | 476 | TEXT ORDER as to defendant, Jerome Grant (6). The United States filed 470 Motion to Adjourn Sentencing date of 8/22/2016. The motion is granted. Sentencing is adjourned to 11/23/2016 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 11/2/2016; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 11/7/2016; responses to objections and/or motions due by 11/9/2016; character letters and/or sentencing memorandum in support of the defendant due by 11/9/2016; motions to adjourn sentencing due by 11/14/2016; final Presentence Investigation Report due by 11/16/2016; government's response papers to legal arguments in defendant's sentencing memorandum due by 11/16/2016. SO ORDERED. Issued by Hon. Richard J. Arcara on August 3, 2016.(DJD) (Entered: 08/03/2016) |
| 08/04/2016 | 477 | Sealed Document as to Benjamin Peoples. (KLH) (Entered: 08/04/2016) |

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| 08/04/2016 | 478 | Sealed Document as to Spencer Rogers. (KLH) (Entered: 08/04/2016) |
| 08/04/2016 | 479 | Sealed Document as to Jerome Grant. (KLH) (Entered: 08/04/2016) |
| 08/04/2016 | 480 | Sealed Document as to Demario Robbins. (KLH) (Entered: 08/04/2016) |
| 08/09/2016 | 481 | MOTION to Adjourn by Jerome Grant, (Donohue, Barry) (Entered: 08/09/2016) |
| 08/11/2016 | | Set/Reset Hearings as to Xavier Hill. Sentencing set for 11/22/2016 01:00 PM before Hon. Richard J. Arcara. (DJD) (Entered: 08/12/2016) |
| 08/11/2016 | | Minute Entry for proceedings held 8/11/2016 before Hon. Richard J. Arcara as to Deft, Xavier Hill (17). Sentencing proceeding previously scheduled for 8/11/2016 is not held. Defense counsel reports that he did not file a Statement with Respect to Sentencing Factors. Deft does not have any major issue with the Presentence Investigation Report, however Deft prefers that the sentencing be adjourned for 90-days. Sentencing is rescheduled for 11/22/2016 at 1:00 PM. Deft remains on release. Appearances: Govt - George Burgasser; Deft - John Jordan (with Deft); USPO - Lisa Ferraro (Court Reporter Megan Pelka.) (DJD) (Entered: 08/29/2016) |
| 08/19/2016 | | Minute Entry for proceedings held 8/19/2016 before Hon. Richard J. Arcara as to Deft, Andre Wise (11). Initial Appearance is held as to Petitioner for Offender Under Supervision (Supervised Release). AFPD Leslie Scott appears with the Deft. Counsel for the Govt reads a summary of the Petition charge(s). The Court enters a denial by the Deft. Deft requests a status conference in 45 days. Status Conference is scheduled for 10/3/2016 at 9:00 AM. Deft is remanded pending the next court proceeding. The defense requests a copy of the Presentence Investigation Report and the work sheet. The Court grants the request and directs that defense counsel be provided with the requested reports. Appearances: Govt - Joel Violanti appearing for George Burgasser; Deft - Leslie Scott (with Deft); USPO - Scott Kowski (Court Reporter Megan Pelka.) (DJD) (Entered: 08/19/2016) |
| 08/19/2016 | | Set/Reset Hearings as to Andre Wise: Status Conference on Violation of Supervised Release set for 10/3/2016 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 08/19/2016) |
| 08/23/2016 | 483 | Arrest Warrant Returned Executed on 8/18/2016 in case as to Andre Wise. (KM) (Entered: 08/23/2016) |
| 08/25/2016 | 486 | Sealed Document as to James Hicks. (KM) (Entered: 08/29/2016) |
| 08/26/2016 | 484 | MOTION To Schedule Sentencing by Xavier Hill. (Jordan, John) (Entered: 08/26/2016) |
| 08/26/2016 | 485 | STATEMENT WITH RESPECT TO SENTENCING FACTORS by Xavier Hill (Jordan, John) (Entered: 08/26/2016) |
| 08/30/2016 | 487 | TEXT ORDER as to defendant Xavier Hill (17). The defendant filed 484 Motion to Schedule Sentencing to an earlier date. The motion is granted. Sentencing is rescheduled for August 31, 2016 at 9:30 AM before Hon. Richard J. Arcara. SO ORDERED. Issued by Hon. Richard J. Arcara on August 30, 2016.(DJD) (Entered: 08/30/2016) |
| 08/31/2016 | | Minute Entry for proceedings held 8/31/2016 before Hon. Richard J. Arcara as to Deft, Xavier Hill (17), Count(s) 1 (Superseding Information). Sentencing is held. The Court accepts the terms and conditions of the plea agreement and the plea of guilty. The Presentence Investigation Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is committed to the custody of the Bureau of Prisons for a term of 90 days; the cost of incarceration fee is waived. Upon release from incarceration, the Deft shall be placed on supervised release |

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| George Burgess as to Defendant Spencer Rogers (7). The defense filed 624 First Motion for Extension of Time to File Objections to Presentence Investigation Report and other relief. A status conference on the motion is scheduled for May 31, 2017 at 9:00 AM before Hon. Richard J. Arcara. Defendant is to be produced for the status conference. SO ORDERED. Issued. Signed by Hon. Richard J. Arcara on May 23, 2017.(DJD) (Entered: 05/23/2017) | |
| 05/23/2017 | 626 |
| 05/25/2017 | 627 |
| 05/25/2017 | 628 |
| 05/25/2017 | 629 |
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| 05/30/2017 | 632 |
| 05/30/2017 | 633 |
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| (Entered: 06/14/2017) | |
| 06/23/2017 | 641 |
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| 06/28/2017 | 643 |
| 07/11/2017 | 644 |
| 07/13/2017 | 645 |
| 07/13/2017 | 646 |
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| 07/14/2017 | 648 |
| 07/17/2017 | 649 |
| 07/17/2017 | 650 |
| 07/18/2017 | 651 |

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| Minute Entry for proceedings held 7/31/2017 before Hon. Richard J. Arcara as to Deft, Spencer Rogers. Status Conference is held regarding Deft's 624 Motion for Extension of Time to File Objections to the Presentence Investigation Report. The defense needs time to review the Presentence Investigation Report with the Deft. In addition, Deft needs to resolve his state parole violation before he is sentenced federally. The Court needs to afford defense counsel and Deft an opportunity to discuss matters. Proceedings resume. The Govt reports that it filed 630 Motion to Adjourn the 6/15/2017 sentencing. The Court orally grants the motion. Sentencing is adjourned to 9/8/2017 at 12:30 PM. Defense counsel requests that USMS house Deft closer to Buffalo. The Court recommends that USMS house Deft at a facility closer to Buffalo. Deft remains in custody. Appearances: Govt - George Burgess; Deft - Alan Hoffman; USPO - Lisa Ferraro (Court Reporter Megan Pelka.)(DJD) (Entered: 05/31/2017) | |
| 05/31/2017 | |
| 05/31/2017 | 633 |
| 05/31/2017 | 634 |
| 05/31/2017 | 635 |
| 06/01/2017 | 637 |
| 06/01/2017 | 638 |
| 06/07/2017 | 639 |
| 06/14/2017 | 640 |

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| motion for extension of time to file 5K1.1 motion if applicable, due by 7/31/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 8/4/2017; responses to objections and/or motions due by 8/7/2017; character letters and/or sentencing memorandum in support of the defendant due by 8/7/2017; motions to adjourn sentencing due by 8/11/2017; final Presentence Investigation Report due by 8/14/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 8/14/2017. The extended schedule necessitates the rescheduling of the sentencing date. The sentencing is rescheduled for 8/15/2017 at 1:30 PM before Hon. Richard J. Arcara. SO ORDERED. Issued by Hon. Richard J. Arcara on July 18, 2017.(DJD) (Entered: 07/18/2017) | |
| 07/18/2017 | 652 |
| 07/19/2017 | 654 |
| 07/19/2017 | |
| 07/21/2017 | 655 |
| 07/21/2017 | 656 |
| 07/21/2017 | 657 |
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| 07/27/2017 | |

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| | | memorandum in support of the defendant due by 7/17/2017; motions to adjourn sentencing due by 7/17/2017; final Presentence Investigation Report due by 7/20/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 7/20/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on April 11, 2017. (DJD) (Entered: 04/11/2017) |
| 04/12/2017 | 595 | MOTION to Adjourn The Filing Of The Government's Response to Defendant's Motions by USA as to Michael Robertson. (Burgasser, George) (Entered: 04/12/2017) |
| 04/12/2017 | 596 | TEXT ORDER granting 595 Motion to Adjourn Government response to pretrial motions as to Michael Robertson (2). New schedule to follow. SO ORDERED. Issued by Hon. Hugh B. Scott on 4/12/2017.(GAI) (Entered: 04/12/2017) |
| 04/12/2017 | 597 | TEXT ORDER as to Michael Robertson, Antwon Steward setting new pretrial schedule. The Government will file any responding papers on or before 5/17/2017. Oral Argument is re-set for 5/24/2017 at 11:00 AM; defendant Steward will need to be present even though he appears not to have filed motions. Time remains excluded because pretrial motions remain pending. SO ORDERED. Issued by Hon. Hugh B. Scott on 4/12/2017.(GAI) (Entered: 04/12/2017) |
| 04/13/2017 | 600 | Sealed Document. (KM) (Entered: 04/19/2017) |
| 04/17/2017 | 598 | MOTION for Extension of Time to File <i>Notice of Appeal</i> by Jerome Grant. (Attachments: # 1 Exhibit Returned envelope, # 2 Exhibit Draft Notice of App)(Donohue, Barry) (Entered: 04/17/2017) |
| 04/19/2017 | 599 | SENTENCING MEMORANDUM by Demario Robbins (Attachments: # 1 Exhibit A, # 2 Certificate of Service)(Henry, Daniel) (Entered: 04/19/2017) |
| 04/20/2017 | 601 | MOTION to Adjourn The Court's Sentencing Date by USA as to Antwan Garner. (Burgasser, George) (Entered: 04/20/2017) |
| 04/20/2017 | | NOTICE OF RESCHEDULING as to defendant Xavier Hill (17). The April 21, 2017 Violation of Supervised Release Status Conference is adjourned by the Court to April 28, 2017 at 9:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 04/20/2017) |
| 04/21/2017 | | NOTICE OF SCHEDULING as to Michael Robertson: Plea Agreement Hearing set for 4/25/2017 10:30 AM before Hon. Richard J. Arcara. (DJD) (Entered: 04/21/2017) |
| 04/21/2017 | 602 | TEXT ORDER as to defendant, Antwan Garner (12). The United States filed 601 Motion to Adjourn the Court's Sentencing Date of 5/5/2017. The motion is granted. Sentencing is adjourned to 8/9/2017 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion; government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 7/19/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 7/24/2017; responses to objections and/or motions due by 7/26/2017; character letters and/or sentencing memorandum in support of the defendant due by 7/26/2017; motions to adjourn sentencing due by 7/31/2017; final Presentence Investigation Report due by 8/2/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 8/2/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on April 21, 2017.(DJD) (Entered: 04/21/2017) |

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| 04/24/2017 | 603 | ORDER as to Jerome Grant Defendant's 598 Motion for leave to file a notice of appeal out of time is granted. The Clerk of the Court shall file Defendant's Notice of Appeal [598-2] and is directed to transmit Defendant's notice of appeal to the Clerk of the U.S. Court of Appeals for the Second Circuit. SO ORDERED. Signed by Hon. Richard J. Arcara on 4/24/17.(LAS) |
| | | -CLERK TO FOLLOW UP- (Entered: 04/24/2017) |
| 04/24/2017 | 604 | NOTICE OF APPEAL as to Jerome Grant by Barry Donohue. Fee Status: CJA Appointment. (KM) (Entered: 04/25/2017) |
| 04/24/2017 | 608 | Sealed Document. (KM) (Entered: 04/26/2017) |
| 04/25/2017 | 605 | MOTION To Set A Date For Trial Or Plea by USA as to Antwon Steward, (Burgasser, George) (Entered: 04/25/2017) |
| 04/25/2017 | 610 | WAIVER OF INDICTMENT by Michael Robertson. (KM) (Entered: 05/01/2017) |
| 04/25/2017 | 611 | SUPERSEDING INFORMATION as to Michael Robertson (2) count(s) 1s. (KM) (Entered: 05/01/2017) |
| 04/25/2017 | 612 | PLEA AGREEMENT as to Michael Robertson. (KM) (Entered: 05/01/2017) |
| 04/25/2017 | | Set/Reset Hearings as to Michael Robertson: Sentencing set for 8/7/2017 01:00 PM before Hon. Richard J. Arcara. (DJD) (Entered: 05/04/2017) |
| 04/25/2017 | | Minute Entry for proceedings held 4/25/2017 before Hon. Richard J. Arcara as to Deft, Michael Robertson (2). Waiver of Indictment and Plea proceeding is held. Deft waives indictment and pleads guilty to a one-count Superseding Information (Count 1). Deft is remanded to the custody of the U.S. Marshals Service pending sentencing. The following schedule is established for the submission of sentencing papers: initial Presentence Investigation Report due by 6/23/2017; Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion; government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 7/17/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 7/21/2017; responses to objections and/or motions due by 7/24/2017; character letters and/or sentencing memorandum in support of the defendant due by 7/24/2017; motions to adjourn sentencing due by 7/28/2017; final Presentence Investigation Report due by 7/31/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 7/31/2017. Sentencing is scheduled for 8/7/2017 at 1:00 PM before Hon. Richard J. Arcara. Appearances: Govt - George Burgasser; Deft - Peter Kooshoian (with Deft); USPO - Lillian Cullen -PROBATION NOTIFIED OF PLEA- (Court Reporter Megan Pelka).(DJD) (Entered: 05/08/2017) |
| 04/25/2017 | 614 | TEXT ORDER as to defendant, Michael Robertson (2). The following schedule is established for the submission of sentencing papers: initial Presentence Investigation Report due by 6/23/2017; Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion; government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 7/17/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 7/21/2017; responses to objections and/or motions due by 7/24/2017; character letters and/or sentencing memorandum in support of the defendant due by 7/24/2017; motions to adjourn sentencing due by 7/28/2017; final Presentence Investigation Report due by 7/31/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 7/31/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on April 25, 2017.(DJD) (Entered: 05/08/2017) |
| 04/26/2017 | 606 | CONTINUATION OF EXHIBITS by Demario Robbins to 599 Sentencing Memorandum |

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| | | - Sentencing Letters (Attachments: # 1 Certificate of Service)(Henry, Daniel) (Entered: 04/26/2017) |
| 04/26/2017 | 607 | TEXT ORDER as to defendant, Antwon Steward (5). The United States filed 605 Motion to Set a Date for Trial or Plea. Accordingly, a Meeting to Set a Date for Trial or Plea is scheduled for April 27, 2017 at 10:00 AM before Hon. Richard J. Arcara. SO ORDERED. Issued by Hon. Richard J. Arcara on April 26, 2017.(DJD) (Entered: 04/26/2017) |
| 04/27/2017 | | Set/Reset Hearings as to Antwon Steward: Status Conference set for 5/26/2017 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 05/09/2017) |
| 04/27/2017 | | Minute Entry for proceedings held 4/27/2017 before Hon. Richard J. Arcara as to Deft, Antwon Steward (5). Meeting to set date for trial or plea is held. Deft waives his appearance for today's proceeding. Defense counsel recently received a plea offer from the Govt which he needs to review with the Deft. Status Conference is scheduled for 5/26/2017 at 9:00 AM. Time is excluded; Govt to submit a Speedy Trial Act Order. Deft remains on release. Appearances: Govt - George Burgasser; Deft - Jeremy Schwartz (without Deft) (Court Reporter Megan Pelka).(DJD) (Entered: 05/09/2017) |
| 04/28/2017 | 609 | MOTION to Adjourn Sentencing Date by USA as to James Hicks. (Burgasser, George) (Entered: 04/28/2017) |
| 04/28/2017 | | Set/Reset Hearings as to Xavier Hill: Sentencing on Violation of Supervised Release set for 5/19/2017 01:30 PM before Hon. Richard J. Arcara. (DJD) (Entered: 04/28/2017) |
| 04/28/2017 | 613 | PLEA AGREEMENT as to Xavier Hill. (KM) (Entered: 05/01/2017) |
| 04/28/2017 | | Minute Entry for proceedings held 4/28/2017 before Hon. Richard J. Arcara as to Deft, Xavier Hill (17). Plea proceeding is held as to Violation of Supervised Release. Deft admits to Charge No. 6 in the Amended Petition for Offender Under Supervision ordered on 3/31/2017. USPO Memorandum Report due by 5/18/2017 (12:00 PM). Sentencing is scheduled for 5/19/2017 at 1:30 PM. Deft is remanded pending sentencing. Appearances: Govt - Joel Violant; appearing for George Burgasser; Deft - Leslie Scott (with Deft); USPO - William Boya (Court Reporter Lori Beck, Jack W. Hunt & Associates, Inc., Buffalo, N.Y.; telephone: (853-5600).(DJD) (Entered: 05/09/2017) |
| 05/03/2017 | | Set/Reset Hearings as to Demario Robbins: Sentencing set for 5/4/2017 11:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 05/03/2017) |
| 05/03/2017 | | Minute Entry for proceedings scheduled for 5/3/2017 before Hon. Richard J. Arcara as to Deft, Demario Robbins (15). Sentencing proceeding previously scheduled for 5/3/2017 is not held due to the Court's trial calendar. Sentencing is rescheduled for 5/4/2017 at 11:00 AM. Appearances: Govt - George Burgasser; Deft - Daniel Henry (without Deft); USPO - Lisa Ferraro (No Court Reporter) (DJD) (Entered: 05/16/2017) |
| 05/04/2017 | | Minute Entry for proceedings held 5/4/2017 before Hon. Richard J. Arcara as to Deft, Demario Robbins (15), Count(s) 1 (Indictment). Sentencing is held. The Court accepts the terms and conditions of the plea agreement and the plea of guilty. The Presentence Investigation Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is committed to the custody of the Bureau of Prisons for a term of 24 months; the cost of incarceration fee is waived. Upon release from imprisonment, Deft shall be placed on supervised release for a term of 2 years with standard and special conditions: No fine. Deft to pay \$100.00 mandatory assessment; due immediately. Deft is remanded. The Court recommends that Deft be designated to a facility as close to Buffalo, New York as possible. Appearances: Govt - |

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| | | George Burgasser; Deft - Daniel Henry (with Deft); USPO - Lisa Ferraro (Court Reporter Megan Pelka).(DJD) (Entered: 05/16/2017) |
| 05/09/2017 | 615 | Second MOTION to Adjourn Sentencing by Demario James. (Leta, Joseph) (Entered: 05/09/2017) |
| 05/10/2017 | 616 | PRESENTENCE INVESTIGATION REPORT (Sealed) as to Demario Robbins. (KM) (Entered: 05/11/2017) |
| 05/12/2017 | 617 | TEXT ORDER as to defendant, Demario James (3). The defendant filed 615 Second Motion to Adjourn Sentencing date of 5/19/2017. The motion is granted. Sentencing is adjourned to 8/21/2017 at 12:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion; government notice not to file 5K1.1 motion; or government motion for extension of time to file 5K1.1 motion if applicable, due by 7/31/2017; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 8/4/2017; responses to objections and/or motions due by 8/7/2017; character letters and/or sentencing memorandum in support of the defendant due by 8/7/2017; motions to adjourn sentencing due by 8/11/2017; final Presentence Investigation Report due by 8/14/2017; government's response papers to legal arguments in defendant's sentencing memorandum due by 8/14/2017. SO ORDERED. Issued by Hon. Richard J. Arcara on May 12, 2017.(DJD) (Entered: 05/12/2017) |
| 05/15/2017 | 618 | ORDER TO CONTINUE - Ends of Justice as to Antwon Steward Time excluded from 4/27/2017 until 5/26/2017. Signed by Hon. Richard J. Arcara on 5/10/2017.(KM) (Entered: 05/15/2017) |
| 05/15/2017 | 620 | TRANSCRIPT REQUEST by Jerome Grant for proceedings held on 3/22/2017 before Judge Richard J. Arcara. (KM) (Entered: 05/16/2017) |
| 05/16/2017 | 619 | CLERKS CERTIFICATE as to Jerome Grant filed and electronically sent to Court of Appeals. (Attachments: # 1 index)(KM) (Entered: 05/16/2017) |
| 05/16/2017 | 621 | JUDGMENT as to Demario Robbins (15). Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Richard J. Arcara on 5/9/2017.(KM) (Entered: 05/17/2017) |
| 05/18/2017 | 622 | ***CALENDAR NOTICE: Next week's oral argument as to Michael Robertson is canceled given the plea that has occurred. Issued by Hon. Hugh B. Scott on 5/18/2017. (GAI) (Entered: 05/18/2017) |
| 05/18/2017 | 623 | ***CALENDAR NOTICE: Next week's oral argument as to Antwon Steward is canceled given ongoing proceedings before Judge Arcara. Issued by Hon. Hugh B. Scott on 5/18/2017.(GAI) (Entered: 05/18/2017) |
| 05/19/2017 | 624 | First MOTION for Extension of Time to File <i>objections to Presentence Investigation Report</i> , MOTION to Produce by Spencer Rogers. (Hoffman, Alan) (Entered: 05/19/2017) |
| 05/19/2017 | 625 | Minute Entry for proceedings held 5/19/2017 before Hon. Richard J. Arcara as to Deft, Xavier Hill (17). Sentencing is held as to Violation of Supervised Release. The Probation Officer's Memorandum Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is sentenced as follows: Deft's term of supervised release is revoked and he is committed to the custody of the Bureau of Prisons for a term of 5 months. No further term of supervision is imposed. Deft is remanded. The Court grants the Govt's oral motion to dismiss Charge Nos. 1 through 5 of the Petition for Offender Under Supervision. Appearances: Govt - |

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| | | 6/26/2018 at 1:30 PM before Hon. Richard J. Arcara. The schedule for the submission of sentencing papers is amended as follows: Statement with Respect to Sentencing Factors, objections and/or motions, including 5K1.1 motion, government notice not to file 5K1.1 motion, or government motion for extension of time to file 5K1.1 motion if applicable, due by 6/5/2018; notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by 6/11/2018; responses to objections and/or motions due by 6/12/2018; character letters and/or sentencing memorandum in support of the defendant due by 6/12/2018; motions to adjourn sentencing due by 6/15/2018; final Presentence Investigation Report due by 6/19/2018; government's response papers to legal arguments in defendant's sentencing memorandum due by 6/19/2018. SO ORDERED. Issued by Hon. Richard J. Arcara on 4/30/2018.(JDK) (Entered: 04/30/2018) |
| 05/01/2018 | 797 | RECOMMENDATION (Sealed) as to Antwon Steward. (myers, mary) (Entered: 05/01/2018) |
| 05/01/2018 | 798 | SENTENCING MEMORANDUM by James Hicks (Attachments: # <u>1</u> Certificate of Service)(Parker, Brian) (Entered: 05/01/2018) |
| 05/02/2018 | 799 | RECOMMENDATION (Sealed) as to James Hicks. (Hartman, Justine) (Entered: 05/02/2018) |
| 05/09/2018 | | Minute Entry for proceedings held 5/9/2018 before Hon. Richard J. Arcara as to Deft, James Hicks (14), Count(s) 1 (Indictment). Sentencing is held. The Court accepts the terms and conditions of the plea agreement and the plea of guilty. The Presentence Investigation Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is committed to the custody of the Bureau of Prisons for a term of time served; the cost of incarceration fee is waived. Upon release from imprisonment, Deft shall be placed on supervised release for a term of 3 years with standard and special conditions. Deft shall cooperate in the collection of a DNA sample as required by the Justice for All Act of 2004. No fine. Deft to pay mandatory special assessment in the amount of \$100.00, due immediately. Appearances: Govt - Wei Xiang; Deft - Brian Parker (with Deft); USPO - Lindsay Maza (Court Reporter Megan Pelka.)(DJD) (Entered: 05/09/2018) |
| 05/10/2018 | 800 | Sealed Document (NRE) (Entered: 05/11/2018) |
| 05/14/2018 | 801 | JUDGMENT as to James Hicks (14), Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Richard J. Arcara on 5/11/2018.(KM) (Entered: 05/15/2018) |
| 05/22/2018 | 802 | SENTENCING MEMORANDUM by Demario Robbins (Attachments: # <u>1</u> Exhibit A through E)(Scott, Leslie) (Entered: 05/22/2018) |
| 05/23/2018 | | NOTICE OF NEW TIME FOR COURT PROCEEDING as to defendant, Demario Robbins (15). The time of the May 24, 2018 Violation of Supervised Release Sentencing is changed by the Court to 12:30 PM on May 24, 2018 before Hon. Richard J. Arcara. (DJD) (Entered: 05/23/2018) |
| 05/24/2018 | | Minute Entry for proceedings held 5/24/2018 before Hon. Richard J. Arcara as to Deft, Demario Robbins (15). Sentencing is held on Violation of Supervised Release. The Probation Officer's Memorandum Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is sentenced as follows: Deft's term of supervised release is revoked and he is committed to the custody of the Bureau of Prisons for a term of 6 months incarceration. No further term of supervision is imposed. Deft is remanded. Appearances: Govt - Wei Xiang; Deft - |

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| | | Leslie Scott (with Deft); USPO - Erin Beiter (Court Reporter Megan Pelka.)(DJD) (Entered: 05/25/2018) |
| 05/29/2018 | 803 | Sealed Document as to Demario Robbins. (KM) (Entered: 05/29/2018) |
| 06/01/2018 | 804 | REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Antwan Garner. (Hartman, Justine) (Entered: 06/01/2018) |
| 06/05/2018 | 805 | STATEMENT WITH RESPECT TO SENTENCING FACTORS by Antwan Garner (Covert, Barry) (Entered: 06/05/2018) |
| 06/05/2018 | 806 | JUDGMENT for Revocation of Probation or Supervised Release as to Demario Robbins (15), Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Richard J. Arcara on 5/31/2018.(KM) (Entered: 06/05/2018) |
| 06/12/2018 | 811 | CJA 20 as to Benjamin Peoples: Authorization to Pay Paul G. Dell. Amount: \$5773.06, Voucher #0209.0633177. Signed by Hon. Richard J. Arcara on 6/11/2018.(KM) (Entered: 06/19/2018) |
| 06/18/2018 | 809 | MOTION to Seal <i>Sentencing Memorandum</i> by Antwan Garner. (Attachments: # <u>1</u> Text of Proposed Order)(Covert, Barry) (Entered: 06/18/2018) |
| 06/19/2018 | 810 | RECOMMENDATION (Sealed) as to Antwan Garner. (Hartman, Justine) (Entered: 06/19/2018) |
| 06/19/2018 | 812 | REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Antwon Steward. (Hartman, Justine) (Entered: 06/19/2018) |
| 06/19/2018 | 813 | CJA 20 as to James Hicks: Authorization to Pay Brian K. Parker. Amount: \$980.00, Voucher #0209.0640351. Signed by Hon. Richard J. Arcara on 6/19/2018.(KM) (Entered: 06/20/2018) |
| 06/21/2018 | 814 | STATEMENT WITH RESPECT TO SENTENCING FACTORS by USA as to Antwan Garner (Xiang, Wei) (Entered: 06/21/2018) |
| 06/21/2018 | 815 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Re-Entry Court Proceedings for Demario James held on 6/21/2018. (Court Reporter FTR Gold.)(GAI) (Entered: 06/21/2018) |
| 06/21/2018 | 816 | MOTION to Seal <i>Supplemental Memorandum</i> by Antwan Garner. (Attachments: # <u>1</u> Text of Proposed Order)(Covert, Barry) (Entered: 06/21/2018) |
| 06/21/2018 | 820 | CJA 20 as to Spencer Rogers: Authorization to Pay Alan S. Hoffman. Amount: \$9956.34, Voucher #0209.0646816. Signed by Hon. Richard J. Arcara on 5/24/2016.(KM) (Entered: 06/22/2018) |
| 06/22/2018 | 817 | TEXT ORDER as to Antwan Garner: Defendant has filed a <u>816</u> motion to seal his supplemental sentencing memorandum. The motion is granted. SO ORDERED. Issued by Hon. Richard J. Arcara on 6/22/18.(LAS) (Entered: 06/22/2018) |
| 06/22/2018 | 818 | MOTION to Adjourn Sentencing by Antwon Steward. (Attachments: # <u>1</u> Certificate of Service)(Schwartz, Jeremy) (Entered: 06/22/2018) |
| 06/22/2018 | 819 | TEXT ORDER as to defendant, Antwon Steward (5). The defendant filed <u>818</u> Motion to Adjourn Sentencing date of 6/26/2018. The motion is granted. Sentencing is adjourned to 7/16/2018 at 1:00 PM. SO ORDERED. Issued by Hon. Richard J. Arcara on June 22, 2018.(DJD) (Entered: 06/22/2018) |
| 06/22/2018 | 821 | REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Antwon Steward. (Hartman, Justine) (Entered: 06/22/2018) |

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| 06/26/2018 | | Minute Entry for proceedings held 6/26/2018 before Hon. Richard J. Arcara as to Deft, Antwan Garner (12), Count(s) 1 (Indictment). Sentencing is held. The Court accepts the terms and conditions of the plea agreement and the plea of guilty. The Presentence Investigation Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is placed on probation for a term of 1 year with standard and special conditions. Deft shall cooperate in the collection of a DNA sample as required by the Justice for All Act of 2004. No fine. Deft to pay \$100.00 mandatory assessment, due immediately. Appearances: Govt - Wei Xiang; Deft - Barry Covert (with Deft); USPO - Natalie Whitman appearing for Susan Murray (Court Reporter Megan Pelka.)(DJD) (Entered: 06/29/2018) |
| 06/29/2018 | 824 | JUDGMENT as to Antwan Garner (12), Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Richard J. Arcara on 6/27/2018.(KM) (Entered: 07/03/2018) |
| 06/29/2018 | 825 | Sealed Document (Statement of Reasons) as to Antwan Garner. (KM) (Entered: 07/05/2018) |
| 07/02/2018 | 822 | Sealed Document as to Antwan Garner. (KM) (Entered: 07/03/2018) |
| 07/02/2018 | 823 | Sealed Document. (KM) (Entered: 07/03/2018) |
| 07/11/2018 | 826 | STATEMENT WITH RESPECT TO SENTENCING FACTORS by Antwon Steward (Attachments: # <u>1</u> Certificate of Service)(Schwartz, Jeremy) (Entered: 07/11/2018) |
| 07/16/2018 | | Minute Entry for proceedings held 7/16/2018 before Hon. Richard J. Arcara as to Deft, Antwon Steward (5), Count(s) 1s (Superseding Information). Sentencing is held. The Court accepts the terms and conditions of the plea agreement and the plea of guilty. The Presentence Investigation Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is committed to the custody of the Bureau of Prisons for a term of 60 months; the cost of incarceration fee is waived; while incarcerated, the Court recommends that Deft participate in the BOP's 500-hour Residential Drug Abuse Program. Upon release from imprisonment, Deft shall be placed on supervised release for a term of 5 years with standard and special conditions as set forth in the Judgement of Conviction including, but not limited to those set forth herein. The Court imposes a zero tolerance policy for any drug use. Deft shall cooperate in the collection of a DNA sample as required by the Justice for All Act of 2004. No fine. Deft to pay \$100.00 mandatory assessment, due immediately. The Court grants voluntary surrender. The Court grants the Govt's oral motion to dismiss Indictment No. 14-CR-134 as to this Deft. Appearances: Govt - Wei Xiang; Deft - Jeremy Schwartz (with Deft); USPO - Susan Murray (Court Reporter Megan Pelka.)(DJD) (Entered: 07/24/2018) |
| 07/25/2018 | 827 | JUDGMENT as to Antwon Steward (5), Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Richard J. Arcara on 7/18/2018.(KM) (Entered: 07/26/2018) |
| 07/25/2018 | 828 | Sealed Document (Statement of Reasons) as to Antwon Steward. (KM) (Entered: 07/26/2018) |
| 07/26/2018 | | Minute Entry for proceedings held 7/26/2018 before Hon. Richard J. Arcara as to Deft, Demetrius Holmes (13). Initial Appearance on Arrest Warrant is held as to Petition for Offender Under Supervision (Supervised Release) charge(s). AFDPA Carla Benz appears with the Deft. Govt reads violation charge(s). Deft requests an evidentiary hearing. Evidentiary Hearing is scheduled for 8/8/2018 at 10:00 AM. Deft is remanded pending the next court proceeding. Appearances: Govt - Wei Xiang appearing for Paul Parisi; Deft - |

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| | | - Carla Benz (with Deft); USPO - Richard Galmarini appearing for Scott Kowski (Court Reporter Megan Pelka.)(DJD) (Entered: 07/28/2018) |
| 07/26/2018 | | Set/Reset Hearings as to Demetrius Holmes: Evidentiary Hearing On Violation of Supervised Release set for 8/8/2018 10:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 07/28/2018) |
| 07/30/2018 | 829 | NOTICE OF ATTORNEY APPEARANCE Paul C. Parisi appearing for USA. [Adding Paul C. Parisi] (Parisi, Paul) (Entered: 07/30/2018) |
| 08/03/2018 | 831 | CJA 20 as to Antwan Garner: Authorization to Pay Barry N. Covert. Amount: \$2,257.40, Voucher #0209.0619545. Signed by Hon. Richard J. Arcara on 8/1/2018.(KM) (Entered: 08/10/2018) |
| 08/08/2018 | | Set/Reset Hearings as to Demetrius Holmes: Plea on Violation of Supervised Release set for 8/22/2018 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 08/08/2018) |
| 08/08/2018 | | Minute Entry for proceedings held 8/8/2018 before Hon. Richard J. Arcara as to Deft, Demetrius Holmes. Evidentiary Hearing on Violation of Supervised Release previously scheduled for today's date is not held. The parties are working on a plea resolution. The defense needs time to review the plea agreement. Plea proceeding is scheduled for 8/22/2018 at 9:00 AM. Deft remains in custody. Appearances: Govt - Joel Violanti appearing for Paul Parisi; Deft - Carla Benz (with Deft); USPO - Scott Kowski (Court Reporter Megan Pelka.)(DJD) (Entered: 08/08/2018) |
| 08/10/2018 | 832 | Arrest Warrant Returned Executed on 7/26/2018 in case as to Demetrius Holmes. (KM) (Entered: 08/10/2018) |
| 08/15/2018 | 833 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Re-Entry Court Proceedings for Demario James held on 8/15/2018. (Court Reporter FTR Gold.)(GAI) Modified on 8/15/2018 to enter correct date (GAI). (Entered: 08/14/2018) |
| 08/22/2018 | 834 | PLEA AGREEMENT as to Demetrius Holmes. (KM) (Entered: 08/23/2018) |
| 08/22/2018 | | Minute Entry for proceedings held 8/22/2018 before Hon. Richard J. Arcara as to Deft, Demetrius Holmes (13). Plea proceeding is held as to Violation of Supervised Release. Deft admits to Charge No. 4 of the Petition for Offender Under Supervision ordered on 6/7/2018. USPO Memorandum Report is due by 9/10/2018 at 12:00 PM. Sentencing is scheduled for 9/14/2018 at 1:00 PM. Deft is remanded pending sentencing. Appearances: Govt - Paul Parisi; Deft - Carla Benz (with Deft); USPO - Scott Kowski (Court Reporter Megan Pelka.)(DJD) (Entered: 08/29/2018) |
| 08/22/2018 | | Set/Reset Hearings as to Demetrius Holmes: Sentencing on Violation of Supervised Release set for 9/14/2018 01:00 PM before Hon. Richard J. Arcara. (DJD) (Entered: 08/29/2018) |
| 09/06/2018 | 835 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Re-Entry Court Proceedings for Demario James held on 9/6/2018. (Court Reporter FTR Gold.)(GAI) (Entered: 09/06/2018) |
| 09/10/2018 | 836 | Letter from Jerome Grant, dated 9/3/2018, to Whom it May Concern. (KM) (Entered: 09/12/2018) |
| 09/13/2018 | 837 | ORDER as to Jerome Grant: For reasons stated in the accompanying Order, the letter request of defendant Grant for a sentencing reduction <u>836</u> is denied without prejudice to a showing that the defendant wishes to bring a 2255 Petition and has not waived the right to do so. A copy of this entry has been mailed to Jerome Grant, 15114-055, Federal Correctional Institution - McDowell, P.O. Box 1009, Welch, WV 24801. SO ORDERED. Signed by Hon. Richard J. Arcara on 9/13/2018.(LAS) |

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| | | -CLERK TO FOLLOW UP- (Entered: 09/13/2018) |
| 09/13/2018 | 838 | MOTION to Seal Document <i>Sentencing Memorandum</i> by Demetrius Holmes. (Benz, Carla) (Entered: 09/13/2018) |
| 09/14/2018 | 839 | TEXT ORDER granting Defendant's 838 Motion to Seal Sentencing Memorandum. Issued by Hon. Richard J. Arcara on 9/14/2018.(LAS) (Entered: 09/14/2018) |
| 09/14/2018 | | Remark - Defendant Jerome Grant mailed 837 Order and 2255 Motion forms. (KM) (Entered: 09/14/2018) |
| 09/14/2018 | 840 | Minute Entry for proceedings held 9/14/2018 before Hon. Richard J. Arcara as to Deft, Demetrius Holmes (13). Sentencing is held on Violation of Supervised Release. The Probation Officer's Memorandum Report is placed in the record under seal. If an appeal is filed, counsel on appeal will be permitted access to the sealed report, except that counsel on appeal will not be permitted access to the recommendation section. Deft is sentenced as follows: Deft's term of supervised release is revoked and he is committed to the custody of the Bureau of Prisons for a term of 7 months. No further term of supervision is imposed. Deft is remanded. The Court grants the Govt's oral motion to dismiss the remaining violation petition charges. Appearances: Govt - Paul Parisi; Deft - Carla Benz (with Deft); USPO - Erin Beiter for Scott Kawski (Court Reporter Megan Pelka.) (JDK) (Entered: 09/14/2018) |
| 09/20/2018 | 841 | Letter from Jerome Grant, dated 9/16/18, to Judge Arcara (SG) (Entered: 09/21/2018) |
| 09/28/2018 | 842 | MOTION to Seal Document by Jerome Grant. (Donohue, Barry) (Entered: 09/28/2018) |
| 09/29/2018 | 843 | MOTION to Seal Document *CORRECTED* by Jerome Grant. (Donohue, Barry) (Entered: 09/29/2018) |
| 10/01/2018 | 844 | MOTION to Modify Conditions of Release by Antwan Garner. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Covert, Barry) (Entered: 10/01/2018) |
| 10/02/2018 | 845 | TEXT ORDER as to Antwan Garner: The Government and the United States Probation Office shall respond to Defendant's 844 motion to modify the conditions of his supervised release no later than October 12, 2018. SO ORDERED. Issued by Hon. Richard J. Arcara on 10/2/2018.(LAS) (Entered: 10/02/2018) |
| 10/02/2018 | 846 | JUDGMENT for REVOCATION of Probation or Supervised Release as to Demetrius Holmes (13). Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Richard J. Arcara on 9/25/2018.(KM) (Entered: 10/02/2018) |
| 10/11/2018 | 847 | Sealed Document (SG) (Entered: 10/11/2018) |
| 10/11/2018 | 848 | Sealed Document as to Demetrius Holmes. (SG) (Entered: 10/11/2018) |
| 10/12/2018 | 849 | RESPONSE to Motion by USA as to Antwan Garner re 844 MOTION to Modify Conditions of Release (Xiang, Wei) (Entered: 10/12/2018) |
| 10/16/2018 | 851 | MOTION to Vacate under 28 U.S.C. 2255 by Jerome Grant. (KM) Civil case 1:18-cv-01166 opened. (Entered: 10/23/2018) |
| 10/22/2018 | 850 | TEXT ORDER as to Jerome Grant: Defendant's 843 motion to seal corrected document is granted. Therefore, his previous 842 motion to seal is dismissed as moot. SO ORDERED. Issued by Hon. Richard J. Arcara on 10/22/2018.(LAS) (Entered: 10/22/2018) |
| 10/24/2018 | 852 | DECISION AND ORDER as to Antwan Garner: For the reasons set forth in the attached Decision and Order, Defendant's 844 motion to lift the standard travel restriction on his term of probation is denied pursuant to Fed. R. Crim. P. 32.1(c) and 18 U.S.C. § 3563(c) |

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| | | without prejudice. SO ORDERED. Signed by Hon. Richard J. Arcara on 10/15/2018. (LAS) (Entered: 10/24/2018) |
| 11/13/2018 | 853 | ORDER as to Jerome Grant. The Respondent shall file and serve an answer and a memorandum of law to the petition no later than December 21, 2018. Petitioner may file a written reply within 20 days of receipt of the answer and a memorandum of law. Respondent may file within 20 days of the date of this Order file a motion for a more definite statement or a motion to dismiss the petition. all docketing for this action shall be made in the related criminal action 14-Cr-134-6. Signed by Hon. Richard J. Arcara on 11/9/2018.(KM)(A copy of this order was sent to the petitioner.) (Entered: 11/14/2018) |
| 11/15/2018 | 854 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Re-Entry Court Proceedings for Damario James held on 11/15/2018. (Court Reporter FTR Gold.)(GAI) (Entered: 11/15/2018) |
| 11/19/2018 | 855 | MOTION to Dismiss <i>NOTICE OF MOTION AND MOTION WITH AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS SECTION 2255 MOTION</i> by USA as to Jerome Grant. (Attachments: # 1 Exhibit 1)(Xiang, Wei) (Entered: 11/19/2018) |
| 11/20/2018 | 856 | TEXT ORDER as to Jerome Grant: The Government has filed a 855 motion to dismiss Petitioner's Motion to Vacate under 28 U.S.C. 2255. The Petitioner is directed to file a response to the Government's motion to dismiss on or before December 18, 2018. Reply papers are due no later than January 11, 2019. The briefing schedule in this text order supersedes the scheduling order set forth on 11/13/2018 at docket number 853. A copy of this entry has been mailed to Jerome Grant, 15114-055, FCI MCDOWELL, PO Box 1009, WELCH, VA 24801. Issued by Hon. Richard J. Arcara on 11/20/2018.(LAS) (Entered: 11/20/2018) |
| 11/21/2018 | 857 | SATISFACTION OF JUDGMENT <i>as to Benjamin Peoples</i> by USA (Robinson, Kevin) (Entered: 11/21/2018) |
| 11/29/2018 | 858 | Minute Entry for proceedings held before Hon. Hugh B. Scott: Re-Entry Court Proceedings as to Damario James held on 11/29/2018. (Court Reporter FTR Gold.)(GAI) (Entered: 11/29/2018) |
| 12/10/2018 | 859 | REPLY TO RESPONSE to Motion by Jerome Grant regarding 855 MOTION to Dismiss <i>NOTICE OF MOTION AND MOTION WITH AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS SECTION 2255 MOTION</i> (KLH) (Entered: 12/10/2018) |

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qualified him for sentencing as a career offender, with an anticipated range of imprisonment of 188 to 235 months. Id. at ¶¶ 7, 10. In a pro se letter dated October 3, 2016, the defendant objected to his career offender status, claiming that his range should instead be 70 to 87 months. Dkt. 504.

This also proves the violation of Due Process, it proves and is proof I did not agree with being a career offender. I objected to the courts and no hearing was held a violation of my Due Process Rights

3. In a later sentencing statement filed by his attorney, however, the defendant did not object to his career offender status. Dkt. 570. Consistent with the terms of the plea agreement, on March 22, 2017, the Court sentenced the defendant to 188 months of imprisonment and 4 years of supervised release. The judgment of conviction was filed on March 28, 2017. Dkt. 588.

I always objected being a career offender my attorney never would object it for me that is why I wrote a pro-se letter informing the courts I object and the court's probation AUSA did the same thing a violation of my 5th & 6th rights in a miscarriage of justice on my ineffective attorney did disregard what I was saying

4. In April of 2017, the defendant filed a notice of appeal of his sentence. Dkt. 604. Four months later, however, he entered a stipulation with the government for dismissal of his appeal. A copy of the filed stipulation is attached herein as Exhibit 1. The stipulation contained an affirmation of the defendant, wherein he requested his attorney withdraw the appeal. Ex. 1, Def. Aff. ¶ 1. The defendant affirmed as follows:

more proof of ineffective counsel why would my counsel lead me to this

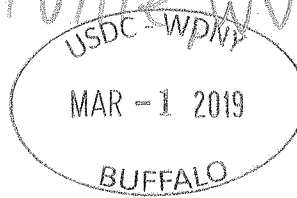
I understand that I am now going back to my original position that I do not wish to appeal. I also understand that I will not be able to change my mind again. I understand that my appeal will be gone forever and no other court will ever be able to review my conviction and sentence.

Id. at ¶ 5 (emphasis in original). On August 24, 2017, the Court of Appeals issued its mandate ordering the stipulated dismissal. Dkt. 675.

Counsel made me do this

5. On September 10, 2018, a letter from the defendant was filed in this case. Dkt. 836. The letter was dated September 3, 2018, and appears to have been postmarked on

JEROME GRANT 15114-055
Federal Correctional Institution Gilmer
P.O. Box 6000
Glenville WV 26351



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Legal Mail